

FOLEY

FOLEY & LARDNER LLP

RECEIVED
CENTRAL FAX CENTER

NOV 14 2006

ATTORNEYS AT LAW

1250 EL CAMINO REAL, SUITE 200

SAN DIEGO, CA 92130

P.O. BOX 80278

SAN DIEGO, CA 92138-0278

TELEPHONE: 858.847.6700

FACSIMILE: 858.792.6773

WWW.FOLEY.COM

FACSIMILE TRANSMISSION

Total number of pages, including this page: 18

TO:	PHONE #:	FAX #:
Examiner Juliet C. Switzer Group Art Unit 1634 U.S. Patent and Trademark Office	571-272-0753	571-273-8300

From : Richard J. Warburg

Email Address : rwarburg@foley.com

Sender's Direct Dial : 858.847.6767

Date : November 14, 2006

Client/Matter No : 048331-1707

Re: Application No. 10/813,693

Attached is the following for submission in the subject application:

1. Amendment Transmittal (3 pages);
2. Credit Card Payment Form (1 page); and
3. Amendment and Reply Under 37 CFR 1.116 (13 pages).

If there are any problems with this transmission or if you have not received all of the pages,
please call 858.847.6700.

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Cover Page 1 of 1

DLMR_291720.1

NOV. 14. 2006 5:17PM

FOLEY 8587926773

RECEIVED
CENTRAL FAX CENTER


NO. 6258 P. 2

NOV 14 2006

Atty. Dkt. No. 048331-1707

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tabor, et al.
Title: ISOTHERMAL
AMPLIFICATION OF DNA
Appl. No.: 10/813,693
Filing Date: 11/7/2003
Examiner: J. Switzer
Art Unit: 1634
Confirmation Number: 4141

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Rachel Caputo (Printed Name)  (Signature) November 14, 2006 (Date of Deposit)

AMENDMENT TRANSMITTAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous
assertion of Small Entity status.

☐ Assertion of Small Entity status is enclosed.

DLMR_291719.1

-1-

NOV 14 2006

Atty. Dkt. No. 048331-1707

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tabor, et al.
Title: ISOTHERMAL
AMPLIFICATION OF DNA
Appl. No.: 10/813,693
Filing Date: 10/7/2003
Examiner: J. Switzer
Art Unit: 1634
Confirmation Number: 4141

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. _____ <i>Rachel Caputo</i> (Printed Name) _____ <i>Rachel Caputo</i> (Signature) _____ November 14, 2006 (Date of Deposit)

AMENDMENT TRANSMITTAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous
assertion of Small Entity status.

☐ Assertion of Small Entity status is enclosed.

RECEIVED
CENTRAL FAX CENTER

NOV 14 2006

Atty. Dkt. No. 048331-1707

☒ The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	49	-	123	=	0	x	\$50.00	=	\$0.00
Independent Claims:	8	-	14	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims: +									\$360.00 = \$0.00
CLAIMS FEE TOTAL =									\$0.00

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input checked="" type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$120.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$120.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$120.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$60.00
Extension Fees Previously Paid:		\$0.00
TOTAL FEE:		\$60.00

A credit card payment form in the amount of \$60.00 is enclosed.

Atty. Dkt. No. 048331-1707

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

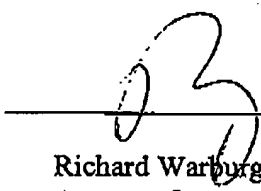
Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date : November 14, 2006

FOLEY & LARDNER LLP
Customer Number 30542
Telephone: 858-847-6767
Facsimile: 858-792-6773

By



Richard Warburg
Attorney for Applicant
Registration No. 32,327

NOV. 14. 2006 5:18PM

FOLEY 8587926773

RECEIVED
CENTRAL FAX CENTER

NO. 6258 P. 7

NOV 14 2006

Atty. Dkt. No. 048331-1707

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tabor, et al.
Title: ISOTHERMAL
AMPLIFICATION OF DNA
Appl. No.: 10/813,693
Filing Date: 11/7/2003
Examiner: J. Switzer
Art Unit: 1634
Confirmation Number: 4141

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Rachel Caputo (Printed Name) <i>Rachel Caputo</i> (Signature) November 14, 2006 (Date of Deposit)

AMENDMENT AND REPLY UNDER 37 CFR 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Final Office Action mailed July 14, 2006,
concerning the above-referenced patent application.

Amendments to the Claims are reflected in the listing of claims which begins on page 2
of this document.

Remarks/Arguments begin on page 9 of this document.

Please amend the application as follows:

11/15/2006 TL0111 00000021 10013693

01 FC:2251

60.00 0P

-1-

DLMR_289190.1